

REMARKS

This paper is filed in response to the Office Action mailed October 21, 2008. Claims 1-53 were pending in the Application, with claims 1-3 and 15-46 withdrawn from consideration. Claims 4-14 and 47-53 stand rejected. By this paper, claims 6, 10, 12, and 48-50, 52, and 53 are amended, new claim 54 is added, and claims 5, 8, 9, 11, 13, and 15-46 are cancelled without prejudice or disclaimer. The claim amendments add no new matter to the Application.

Claim Rejections – 35 U.S.C. § 102

Claims 47, 51 and 52 stand rejected under 35 U.S.C. § 102(a) as allegedly being anticipated by Sun et al., Chem. Mater., Vol. 14, No. 11, pp. 4736-4745 (Oct. 8, 2002) ("Sun C") and by Sun et al., Nano Letters, Vol. 2, No. 2, pp. 165-168 (Jan. 3, 2002) ("Sun N"). In order to expedite the prosecution of the Application, submitted herewith is a Declaration of Younan Xia Under 37 C.F.R. § 1.132 and a Declaration of Yugang Sun Under 37 C.F.R. § 1.132.

The Declarations state that each of the Sun C and Sun N articles "describes the work of Younan Xia and Yugang Sun," and "[i]ndividuals other than Younan Xia and Yugang Sun who are listed as authors . . . were merely working under the direction of Younan Xia and Yugang Sun." Therefore, pursuant to M.P.E.P. § 715.01(c), the Declarations are sufficient to overcome the rejection of claims 47, 51, and 52.

The Applicants respectfully submit that U.S. Provisional Patent Application No. 60/432,098 fully supports each of claims 47, 51, and 52. For example, support for claims 47 and 51 can be found in at least the fifth and sixth full paragraphs of page 3 of the first section, as well as the first full paragraph of page 4 of the second section. Support for claim 51 can be found in at least the first full paragraph of page 4 of the second section.

In view of the foregoing, the Applicants respectfully request that the rejection of claims 47, 51, and 52 under 35 U.S.C. § 102(a) be withdrawn and that these claims be passed to allowance.

Claim Rejections – 35 U.S.C. § 103

Claims 48-50 and 53 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sun C, as well as allegedly being unpatentable over Sun N in view of Sun C, and claims 12-14 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sun C. Claim 13 has been cancelled, thereby mooting the rejection of this claim.

As noted above, the Declarations submitted herewith state that each of the Sun C and Sun N articles “describes the work of Younan Xia and Yugang Sun,” and “[i]ndividuals other than Younan Xia and Yugang Sun who are listed as authors . . . were merely working under the direction of Younan Xia and Yugang Sun.” Therefore,

pursuant to M.P.E.P. § 715.01(c), the Declarations are sufficient to overcome the rejection of claims 12, 14, 48-50, and 53.

The Applicants respectfully submit that U.S. Provisional Patent Application No. 60/432,098 fully supports each of claims 12, 14, 48-50, and 53. For example, support for claims 12 and 14 can be found in at least the third through sixth full paragraphs of page 3 of the first section, the final paragraph of page 2 of the second section, the first seven lines of page 3 of the second section, and the only full paragraph of the fourth page of the second section. Support for claim 48 can be found in at least lines 8 and 9 of page 4 of the second section. Support for claims 49 and 53 can be found in at least the fifth and sixth full paragraphs of page 3 of the first section and the final paragraph of page 2 of the second section. Support for claim 50 can be found in at least the fifth and sixth full paragraphs of page 3 of the first section.

In view of the foregoing, the Applicants respectfully request that the rejection of claims 12, 14, 48-50, and 53 under 35 U.S.C. § 103(a) be withdrawn and that these claims be passed to allowance.

New Claim 54

The Applicants respectfully submit that the addition of new claim 54 adds no new matter to the Application. Moreover, claim 54 is fully supported by U.S. Provisional Patent Application No. 60/432,098. For example, support can be found in the fifth full paragraph of page 3 of the first section of the provisional application.

Provisional Obviousness-type Double Patenting

Claims 4-14 and 47-53 stand provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-31 and 33-39 of copending Application No. 11/701,974. Because this is a provisional rejection, the Applicants elect to not respond to this rejection at this time. See M.P.E.P. § 1490.V.D.

CONCLUSION

In view of the foregoing amendments and remarks, the Applicants respectfully submit that the Application is in condition for allowance. Should questions exist after consideration of the foregoing, the Office is kindly requested to contact the Applicants' attorney at the address or telephone number given herein.

DATED this 23rd day of February, 2009.

Respectfully submitted,

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